

REMARKS / ARGUMENTS

The specification has been amended to replace the incorrect reference to rod 40 on page 8, line 8, with the correct reference to the rod 50 and the reference to pull ring 60 in line 9 with the correct reference to pull ring 68.

Claims 3 and 4 have been amended to correct the deficiencies noted under 35 USC 112, second paragraph.

The rejections of claims 1-4, 6-8 and 10 under 35 USC 102(b) as being anticipated by Tyson and claims 1-3 under 35 USC 102(b) as being anticipated by Jung are respectfully traversed. Neither Tyson nor Jung disclose side plates as recited in the original independent claims. The long and short members 27, 29, 31 and 33 do form a pivoting linkage in which the members forming the assembly can, or must, rotate relative to each other. Side platform members 306 and 311 are mutually pivotal, as shown in Figure 1 of Jung, and although the relationship of these same members in Figure 2 seems inconsistent with that of Figure 1, nevertheless it seems clear that these members form a truss or linkage structure, and not side plates. Although these primary references do not appear to anticipate the original claims, both claim 1 and claim 6 have been amended in an effort to expedite consideration of this application. Both claims 1 and 6 now include the limitation that the side plates each comprise a one piece member supporting the tread. Claim 1 has been further amended to make it clear that the cylindrical protruding members need not be part of the side plates, which they clearly are not in the preferred embodiment.

The prior art clearly does not disclose protruding means and abutment means, both extending from a one piece side member as claimed in Claim 1 as amended. Neither primary reference discloses both a support rod and a stop member insertable through openings in a one piece side member as now set forth in Claim 6.

The rejection of Claim 11 under 35 USC 112 is not understood. Admittedly the term rod means does not specify a function, and rod means is not intended to constitute a means plus function limitation pursuant to 35 USC 112, sixth paragraph. The rejection refers to *Ex parte Klumb* to support this rejection, but *Ex parte Klumb* is cited in Section 2181 of the MPEP only for the proposition that "plate means" or "wing means" and

therefore inferentially "rod means" do not fall under the sixth paragraph of 35 USC 112. The term "means" can, however, be used for purposes other than to recite a means plus function limitation. The term "rod means" as used in claim 11 is used merely to claim a structure that is not necessarily limited to the single first rod or the single second rod disclosed as the preferred embodiment. An alternative structure, which is discussed on page 10 of the application as filed, and also intended to be covered by Claims 11, would be a structure in which two separate "first rods" could be inserted through the side plates, and partially into the hollow ladder rungs. Similarly two "second rods" instead of a single rod could be used as abutment members engaging the ladder rails beneath the tread. Therefore, the use of the term "rod means" is believed to be comply with the common use of such terms for purposes other than to define a means plus function limitation.

The claims now pending are believed to be allowable over the art of record. Allowance of the claims and issuance of a Notice of Allowance in response to this amendment is therefore believed to be appropriate in response to this amendment. Such action is courteously solicited.

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